

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25736 of 2006

1.2007

Between:

M/s.Annu Estte Promoters & Developers, represented by its
Authorised Signatory, Shaik Shareef

... Petitioner

AND

The Mandal Revenue Officer, Uppal Mandal, Ranga Reddy District
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

This writ petition is filed seeking a writ of Certiorari to call for the records connected with proceedings of the second respondent in No.ROR/147/1992, dated 14.9.1992 and B/ROR/899 dated Nil, Pattadar Pass Book (PPB) No.133090 dated Nil, in respect of land in survey Nos.14, 122, 126, 127 (patta No.256) in Peerzadiguda village of Ghatkesar Mandal in Ranga Reddy District, and quash the same as illegal, null and void, and against public policy.

The petitioner is a firm engaged in real estate business. The firm allegedly purchased land admeasuring Acs.6.15 guntas in survey No.122/E, 124/A, 122/A, 127, 128, 149 and 150 of Peerzadiguda village (hereafter called, the subject land) under an agreement of sale dated 30.11.1991 from M/s.Yeski Laxmaiah and Aligapally Hanmantha Rao (not parties to the writ petition). By the time, the petitioners purchased the subject land, which was covered by a layout allegedly approved on 06.4.1981. The petitioner allegedly got Acs.5.00 of land registered. Subsequently the petitioner sold Acs.1.00 of land by executing three registered sale deeds in favour of M/s.Defence Personnel Cooperative House Building Society (Society, for brevity) (not a party to the writ petition). The society later transferred the land in favour of its members. The petitioner and members of the society are in possession of the land. The petitioner made application on 19.8.2002 to the second respondent for survey of the subject land. The Mandal Surveyor conducted survey on 26.8.2002 under a cover of panchanama. However the petitioner came to know that Garika Yadagiri and his wife Garika Hemalatha (not parties to the writ petition) in collusion with the respondents fabricated record of rights proceedings dated 14.9.1992 to an extent of Acs.0.21 guntas in survey No.14, Acs.2.06 guntas in survey No.122, Acs.2.34 guntas in survey

No.122, Acs.1.17 guntas in survey No.126. The third respondent also issued fabricated PPBs in favour of those persons. Having realized the alleged fraud committed by those persons, petitioner applied for certified copies of the proceedings dated 14.9.1992. By Memo dated 18.10.2005, second respondent informed that the records pertaining to the impugned order are not traceable. Therefore, the petitioner filed the present writ petition.

Initially the matter was listed on 23.12.2006 along with WPMP No.27814 of 2006. In the said miscellaneous application, petitioner sought an order to dispense with the filing of original copy of the proceedings dated 14.9.1992. This Court having noticed that the writ petition is filed after lapse of about fourteen years, decline to dispense with the filing of original copy and granted time to the petitioners. Subsequently additional documents are filed including the certified copy of the impugned proceedings. Learned Counsel for the petitioner submits that when the petitioner applied for certified copies, second respondent informed that the record is not traceable. According to the learned Counsel, this itself would show that the second respondent in collusion with the beneficiaries concocted the record. The submission is wholly misconceived. A perusal of the Memo dated 18.10.2005 issued by the second respondent to the Counsel for the petitioner would show that the Mandal Revenue Officer (MRO), Uppal Mandal, informed that, "such order is not traceable at present". When the MRO informed that at the relevant time the order is not traceable, the same does not lead to an inference that fraud vitiated the impugned proceedings. Secondly, when the petitioner again approached the MRO on 24.11.2006 (as seen from the certified copy of the order), the copy of the proceedings dated 14.9.1992 is furnished to the petitioner. This would belie the allegation of fraud. Nextly, the petitioner allegedly purchased the land under an agreement of sale dated 30.11.1991 and executed three sale deeds in favour of the society. When the petitioner is actively engaged in the real estate business, it is curious to notice that the petitioner did not take appropriate steps to be vigilant in relation to the property. After lapse of fourteen years, the petitioner now seeks writ of Certiorari to quash an order dated 14.9.1992. In view of this inordinate delay, the writ petition cannot be accepted. Be it noted that any person aggrieved by the record of rights or entries therein, can always seek remedy in the Civil Court as contemplated under Section 8(2) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971.

The writ petition is misconceived and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

January , 2007.
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